

REMARKS

The present amendment is submitted in response to the Office Action dated July 14, 2005, which set a three-month period for response, making this amendment due by October 14, 2005.

Claims 12-21 are pending in this application.

In the Office Action, claims 12 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,707,832 to Glenn et al. Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn as applied to claim 12.

The Applicants note with appreciation the allowance of claims 14-19 and 21 if rewritten in independent form to include the limitations of the base claim and any intervening claims.

First, the Applicants also wish to note that in the Preliminary Amendment filed September 6, 2001, original claims 1-11 were canceled, and new claims 12-24 were added. It appears from the present Office Action that the Examiner overlooked claims 22-24, which were contained on the last page of the Preliminary Amendment.

Therefore, in this amendment, claims 22-24 are included in the listing of claims as filed with the Preliminary Amendment. In addition, claim 24 has been amended to delete limiting language relating to the comparison of the random number or pseudo-random number.

Also in this amendment, the allowable claims 14-19 and 21 have been rewritten in independent form.

Looking now at the substantive rejections of the claims, the Applicants respectfully disagree with the rejection of claims 12-13 and 20 over the Glenn reference.

Glenn discloses a local area network, which uses a common control channel, via which control communication are exchanged between modems for each user node of a distributed network. In addition to the common control channel, a plurality of data channel pairs is provided, in order to guide full duplex connections between any two network nodes. Because all data channel allocations depend on a successful use of the control channel, a predetermined control channel access schema is used in order to optimize the use of the control channel for all users of the network. According to this schema, each requested node first must compare an accumulated activating measurement with a traffic density threshold, which is continually adapted to the actual control channel activity. Unless the accumulated measurement is less than the threshold, the requested user node is blocked from access to the control channel.

In contrast to Glenn, according to the present invention as defined in claims 12 and 24, information signals are transmitted to the at least one subscriber station, whereby with the information signals, access authorization data are transmitted to at least one subscriber station. Upon receiving the access authorization data in an evaluation unit of the at least one subscriber station, it is checked whether the access authorization data includes an access

threshold, whereby the access threshold is compared with a random number or a pseudo-random number. The right of access to the telecommunication channel of the at least one subscriber station is granted as a function of an outcome of the comparison.

Glenn et al fails to disclose that with the granting of a right of access to the at least one subscriber station, information signals are transmitted to these subscriber stations, as defined in claims 12 and 24 of the present application. In addition, as disclosed in Glenn in column 1, line 66 through column 2, line 6, the station accessing the control channel sends a communication over the control channel to a called station in order to request access on a data channel pair for bidirectional communication as to whether the called station was previously designated as accessible.

Upon access on the common control channel, the user node does not receive any informal signals in Glenn, let alone access authorization data. With the Glenn system, the station desiring access itself must determine a measurement of the activity on the control channel. In this regard, it evaluates the presence of carriers on this control channel, whereby these carriers belong to information signals, which are exchanged between subscriber stations and are not determined for the subscriber station seeking access.

Thus, a substantial disadvantage is associated with the Glenn system, in that in each subscriber station, the access threshold must be determined individually, thereby requiring an additional expense in the subscriber station.

With the subject matter of claims 12 and 24, in contrast, the advantage is provided that an access method is realized on a telecommunication channel that is commonly used by multiple subscriber stations, in which access collisions are avoided without substantially increasing the expense of the subscriber station.


Because claim 12 includes features neither disclosed nor suggested by the Glenn reference, the rejection under 35 U.S.C. 102 must be withdrawn. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984). Absence of any element negates anticipation.

For the reasons set forth above, the Applicants respectfully submit that claims 12, 20, and 22-24 also are patentable over the cited art. The Applicants further request withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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